

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2004-0003

WATER RECYCLING REQUIREMENTS
FOR
TOSCANA LAND, LLC, OWNER/OPERATOR,
TOSCANA COUNTRY CLUB
FOR
IRRIGATION WITH RECYCLED WATER
FOR DUST CONTROL AND COMPACTION DURING CONSTRUCTION
Indian Wells - Riverside County

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

1. Toscana Land, LLC, 300 Eagle Dance Circle, Palm Desert, CA, 92211, (hereinafter referred to as the discharger), submitted an Application for Water Recycling Requirements (AWRR) on September 3, 2003, for proposed irrigation with recycled water for dust control and compaction during the construction of Toscana Country Club, 76-010 Fred Waring Drive, Indian Wells, CA 92210.
2. The development consists of a 626-unit gated country club/golf course located on an a 631-acre parcel that encompasses the westerly and easterly halves of Section 14 and 15, respectively, in Township 5 South, Range 6 East. The northern section line of Sections 14 and 15 defines the northern property boundary. Fred Waring Drive bounds the property on the south.
3. The discharger has proposed using tertiary treated recycled water for dust control and compaction during construction and/or grading operations.
4. Tertiary treated recycled water will be provided to Toscana Country Club by the Coachella Valley Water District.
5. The Coachella Valley Water District will provide Toscana Country Club with filtered and disinfected tertiary treated recycled water from an activated sludge type treatment plant.
6. The discharger has proposed a maximum recycled water usage rate of 2.0 Million Gallons per Day (MGD).
7. The State Water Resources Control Board (SWRCB) adopted the "Policy and Action for Water Reclamation in California" on January 6, 1977. This policy requires the SWRCB and Regional Water Quality Control Boards (Regional Boards) to encourage reclamation and reuse of water in water-short areas of the state.
8. Pursuant to Section 13523 of the California Water Code (CWC), the Regional Board, after consulting with and receiving recommendations from the Department of Health Services, shall prescribe water recycling requirements to protect the public health, safety, or welfare for water which is used or proposed to be used as recycled water.
9. The Regional Board considers the DOHS, or their duly appointed agent, to be responsible for determining compliance with the DOHS regulations, including, but not limited to, requirements of the health-based provisions specified in this order.

10. In accordance with CWC Section 13522.5, any person recycling water or proposing to recycle water, or using or proposing to use recycled water, or who makes any material change or proposed

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change in the character of the recycled water or its use, for the purpose for which recycling criteria have been established, shall file a report containing information required by the Regional Board. A report is not required for any producing, manufacturing or processing operation involving the recycling of water solely for the use in the producing, manufacturing, or processing operation.

11. The requirements of this Order confirm with and implement the water reuse criteria in Sections 60301 through 60355 of Title 22, California Code of Regulations (CCR), promulgated by DOHS pursuant to Section 13521 of the CWC. Formatted: Bullets and Numbering

12. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), as amended to date, designates the beneficial uses of ground and surface waters in this Region. Formatted: Bullets and Numbering

13. The beneficial uses of ground waters in the Coachella Hydrologic Subunit are: Formatted: Bullets and Numbering

- a. Municipal supply (MUN)
- b. Industrial supply (IND)
- c. Agricultural supply (AGR)

14. In accordance with the California Environmental Quality Act (CEQA), the City of Indian Wells, acting as the lead agency, has filed a Notice of Determination for the construction of a 626 unit gated country club/golf course development located on an approximately 640-acre parcel. On April 19, 2001, the City Council of the City of Indian Wells, as the lead agency under CEQA, adopted the Mitigated Monitoring and Reporting Program for the project and determined that the project would have no significant effect on the environment. The Regional Board has reviewed the Mitigated Monitoring and Reporting Program and potential water quality impacts of the project and concurs that the identified mitigation measures will reduce all potential impacts on water quality to less-than-significant. Formatted: Bullets and Numbering

15. Federal regulations for storm water discharges were promulgated by the U.S. Environmental Protection Agency (40 CFR Parts 122, 123, and 124). The regulation require specific categories of facilities which discharge storm water associated with construction activity to obtain NPDES permits.

16. The SWRCB adopted General Permit No. CAS000002 specifying Waste Discharge Requirements (WDRs) for discharges of storm water associated with construction activities of one acre or more, and requiring submittal of a Notice of Intent (NOI) by construction sites to be covered under the Permit. The current General Permit is State Board Order No. 99-08-DWQ.

17. Monitoring and Reporting Program No. R7-2004-0003 is issued pursuant to California Water Code section 13267. These monitoring and reporting requirements, and revisions thereto, are necessary to determine compliance with water recycling requirements.

18. The Board has notified the discharger and all known interested agencies and persons of its intent to issue WDRs for said discharge, and have provided them with an opportunity for a public meeting and an opportunity to submit comments.

19. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

A. Prohibitions

- 1. Recycled water shall not be used for direct human consumption or for the processing of food or drink intended for human consumption.

2. The direct discharge of any recycled water to any surface waters, surface drainage courses, and/or on-site domestic or irrigation supply wells is prohibited.
3. Conditions that directly or indirectly contribute to the runoff of recycled water outside of the approved use area are prohibited.
4. Conditions that directly or indirectly contribute to persistent ponding of recycled water outside or within the approved use area are prohibited.
5. Conditions that directly or indirectly contribute to windblown spray or overspray of recycled water to pass outside the approved use area should be minimized.
6. There shall be no application of recycled water within 50-feet, and storage of recycled water within 100-feet of a domestic well, unless approved otherwise by the Department of Health Services.
7. The discharge of waste to land not owned or controlled by the discharger is prohibited.
8. Discharge of treated wastewater at a location or in a manner different from that described in Finding Nos. 1 through 6, above, is prohibited.
9. The discharge shall not cause degradation of any water supply.

10. The introduction of nonpotable water into any domestic water piping system is prohibited.

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B. Specifications

1. The recycled water discharger shall submit a copy of a written agreement between the discharger and producer of the recycled water to the Regional Board and Department of Health Services within 90 days of adoption of the WDRs and within 90 days of any new written agreements between the discharger and producer.
2. The discharger shall designate an on-site supervisor responsible for operation of the recycled water system. Name and contact information for the designated supervisor shall be submitted in writing to the Regional Board at least 30-days prior to the discharge of recycled water.
3. The recycled water use site supervisor must receive training as a reclaimed water site supervisor. Training information may be obtained from the Department of Health Services and/or local recycled water purveyor. Records of training shall be maintained for inspection purposes.

4. Conspicuous signs shall be posted in a prominent location in each area where recycled water is used on the construction job site. Each sign or label shall include a bilingual warning, "**RECYCLED WATER - DO NOT DRINK**." Each sign shall display an international warning symbol similar to that shown in Attachment "A" per Section 60310-A of the California Code of Regulations.

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5. Above ground recycled water hoses or pipes that feed the drop tank, water tower, hoses, and meters shall be color-coded purple and/or stamped/marked with a bilingual warning, "**CAUTION RECYCLED WATER - DO NOT DRINK**" every 3 feet.

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6. All recycled water distribution lines shall include a bilingual warning, "**CAUTION RECYCLED WATER - DO NOT DRINK**".

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7. The discharger shall submit a written report to the Regional Board and Department of Health Services summarizing the following information within 30-days of initiating discharge of recycled water:

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- a. Map showing specific area of recycled water use
 - b. Location and type of signage
- 8. Water towers and trucks hauling recycled water should be properly identified and marked with recycled water warning signs.
- 9. All above and below ground recycled water facilities including, and not limited to, pipes, pumps, valves, valve boxes, and related appurtenances shall be painted purple, per Section 116815(a) of the California Health and Safety Code (Pantone™ 512 for pipes and other appurtenances and 522 for marking tapes, labels, signs).
- 10. The main shutoff valve downstream of the recycled water meter shall be tagged with a recycled water warning sign. The valve shall be equipped with an appropriate locking device to prevent unauthorized operation of the valve.
- 11. Except as allowed under Section 7604 of Title 17, California Code of Regulations, no physical connection shall be made or allowed to exist between any recycled water system and any separate system conveying potable water.
- 12. All recycled water valves, outlets, and quick couplers should be of a type or secured in a manner that only permits operation by authorized personnel.
- 13. Use or installation of hose bibs on any irrigation system presently operating or designed to operate with recycled water, regardless of the hose bibb construction or identification, is prohibited. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the recycled water piping system.
- 14. Recycled water must be strictly confined to the authorized use areas including the vehicle wheel wash areas used by vehicles as they exist the project area.
- 15. Direct and/or windblown spray originating from recycled water distribution facilities shall be confined to the area designated and approved for reclamation.
- 16. Employees and eating areas shall be protected against any contact with recycled water spray, mist, and runoff during the chemical stabilizer applications by water trucks with special rear spread sprayers or by hand when using commercial-grade hoses.
- 17. Potable water back up (i.e., fire hydrant connection) shall be sited within the bounds of state regulations.
- 18. There must be at least a 4-foot horizontal and 1-foot vertical separation (Domestic water pipelines shall be configured above recycled water pipelines) between all pipelines transporting recycled water and those transporting domestic water.
- 19. The storage, delivery, or use of recycled water shall not individually or collectively, directly or indirectly, result in pollution, or adversely affect water quality, as defined in the California Water Code.
- 20. Tank trucks used to transport reclaimed water shall not be used to carry domestic water.
- 21. Any equipment or facilities, such as tanks, temporary piping or valves, and portable pumps, which have been used with recycled water should be cleaned and disinfected before removal from the approved use area for use at another job site.

| 22. Recycled water shall be managed to prevent persistent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard.

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| 23. The treatment or disposal of wastes at the facility shall not cause pollution or nuisance as defined in Section 13050(l) and 13050(m) of Division 7 of the California Water Code.

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| 24. The discharger shall abide by the guidelines and criteria for the use of recycled water as developed by the Department of Health Services and established in Title 22, Division 4, Chapter 3 of the California Code of Regulations.

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C. Provisions

1. The discharger shall comply with Monitoring and Reporting Program No. R7-2004-0003 and revisions thereto, as specified by the Regional Board's Executive Officer.
2. The discharger shall notify residents adjacent to the recycled water reuse sites at least 30-days prior to the commencement of the usage of recycled water.
3. Prior to any significant change in the area of use, an increase of flow beyond that specified in Findings No. 6, and/or a material change in character, amount, type, or location of water recycling the discharger shall submit a written request and application to update their Water Recycling Requirements.
4. Prior to any change in ownership or management of this operation, the discharger shall notify the Regional Board Executive Officer, in writing, at least 30-days in advance of any proposed transfer of the responsibility and coverage of its recycling requirements to a new water recycler. A copy of this Board Order shall be transferred to the succeeding owner/operator.
5. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
6. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
7. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
8. The discharger shall obtain Water Recycling Requirements and/or written approval from the Regional Board's Executive Officer, or his designee, prior to utilizing recycled water for irrigation other than for dust control, compaction, and construction purposes as permitted by this Order, Order No. R7-2004-0003.
9. The discharger shall report any noncompliance that may endanger human health or the environment. The discharger shall immediately report orally information of the noncompliance as soon as (1) the discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to the Regional Board office at (760) 346-7491 and the Office of Emergency Services at 1-800-852-7550. During non-business hours, the discharger shall leave a message on the Regional Board office voice recorder. A written report shall also be provided within five (5) business days of the time the discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance.

10. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
11. The discharger is the responsible party for the Water Recycling requirements and the monitoring and reporting requirements for the facility. The discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Regional Board.
12. The discharger shall submit a Notice of Intent (NOI) to the SWRCB to be covered under the Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002.
13. All storm water discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of storm water to storm water drain systems or other courses under their jurisdiction.
14. Storm water discharges from the facility shall not cause or threaten to cause pollution or contamination.
15. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
16. This Board Order may be modified, rescinded and reissued, for cause. The filing of a request by the discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or adoption of new regulations by the State Board or the Regional Board, including revisions to the Basin Plan.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on February 11, 2004.

Executive Officer